

### REMARKS

Claims 24-33 are pending in this application. By the above amendment, claims 22 and 23 have been cancelled and 24-33 have been added.

The above amendments are submitted in this RCE in response to the final Office Action dated June 6, 2005, and the Advisory Action dated October 17, 2005.

### STATEMENT OF SUBSTANCE OF INTERVIEW

The issues raised in the Advisory Action were discussed with the examiner during a telephone interview on October 24, 2005, and, as an initial matter, Applicant's representative would like to thank the examiner for taking time to discuss the present rejection and the Wu patent, U.S. 5,376,968. Claims 22 and 23 were discussed as were two interpretations of Wu.

First, the examiner explained that Wu includes an inverse quantizer 84 for inverse quantizing chrominance data and an inverse quantizer 154 for inverse quantizing luminance data. These two inverse quantizers were said to be inverse quantizing means composed of plural inverse quantizing tools. Applicant's representative noted that under this interpretation, no "information indicating an inverse quantizing tool" was present. This is because the chrominance data will always go to inverse quantizer 84 and the luminance data will always go to inverse quantizer 154. Therefore, no information is needed to "indicate," for example, which of tools 84, 154 will receive the chrominance data.

Next, the examiner suggested that inverse quantizer 84 itself included plural inverse quantizing tools. It was agreed that inverse quantizer 84 receives data that is encoded in one of three different ways. The examiner maintained that inverse quantizer 84 would inherently include three different inverse quantizing tools to handle the three different types of encoded data. Applicant's representative submitted that inverse quantizer 84 would handle all three types of data in the same manner and that only events downstream of adder 88 would be based on the coding method used. No agreement was reached on this point.

### SUBSTANTIVE REJECTIONS

New claim 24 is submitted to be allowable over the art of record. Claim 24 requires an

image data coding apparatus that includes a motion compensator, a transformer, a quantizer comprising at least two different quantizing tools, an inverse quantizer comprising at least two different inverse quantizing tools and an inverse transformer. Claim 24 further requires that the image data coding apparatus transmit information indicating tools constituting a decoding algorithm for decoding a coded image data including information indicating an inverse quantizing tool for inverse quantizing the coded image data.

It is believed that the previous rejection of claim 22 was based on the assumption that inverse quantizer 84 of Wu inherently includes plural inverse quantizing tools, for example, a first inverse quantizing tool for inverse quantizing data that is PCM encoded, and at least a second inverse quantizing tool for inverse quantizing data that is DCPM encoded. It is respectfully submitted that plural inverse quantizing tools are not inherently present in Wu. Therefore, new claim 24, which requires an inverse quantizer comprising at least two different inverse quantizing tools, also distinguishes over Wu.

The MPEP provides that "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." *In re Rijckaert*, 28 U.S.P.Q. 2d 1955, 1957 (Fed. Cir. 1993); MPEP 2112. That section of the MPEP further provides that "in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 U.S.P.Q. 2d 1461, 1464 (BPAI 1990) (emphasis in original). In the present case, nothing suggests that different inverse quantizers will necessarily be required to handle data that is encoded in different manners. Instead, it is submitted that data can be, and often is, quantized and inverse quantized independently of the data encoding method used. If this rejection is maintained, or if the examiner relies on an inherency argument in the next Office Action, it is respectfully requested that the examiner provide "a basis in fact and/or technical reasoning" to show why Wu necessarily includes at least two different inverse quantizing tools in inverse quantizer 84. It is submitted that Wu does not inherently disclose at least two different inverse quantizing tools as claimed, and claim 24 is therefore submitted to be allowable.

Claims 25-28 depend from claim 24 and are submitted to be allowable for the same

reasons as claim 24. Claim 25 further requires that the claimed quantizing tools have different processing capabilities. Wu indicates that his various quantizers are "equivalent" (column 8, lines 49-53). Claim 25 further distinguishes over Wu for this reason.

New claim 29 is also submitted to be allowable over Wu. Like claim 24, claim 29 requires an inverse quantizer comprising at least two different inverse quantizing tools. Claim 29 and its dependent claims 30-33 are therefore submitted to be allowable for at least the same reasons as claim 29.

### CONCLUSION

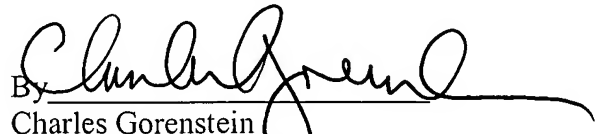
Each issue raised in the Office Action dated June 6, 2005, has been addressed, and it is believed that claims 24-33 are in condition for allowance. Wherefore, examination and allowance of claims 24-33 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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